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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|---------------------------------|
| <i>In re</i> Application of:             | § | Confirmation No. 2666           |
| Bloom and Amelio                         | § |                                 |
|  | § | Group Art Unit: 1636            |
| Application No.: 10/590,136              | § |                                 |
|  | § | Examiner: HIBBERT, Catherine S. |
| Filed: November 22, 2006                 | § |                                 |
|  | § | Customer No. 27683              |
| For: INSULATED HERPES VIRUS-DERIVED GENE | § |                                 |
| EXPRESSION CASSETTES FOR SUSTAINED       | § | Attorney Docket No. 36689.259   |
| AND REGULATABLE GENE EXPRESSION          | § |                                 |

1. AMENDMENT; AND 2. RESPONSE TO NON-FINAL OFFICE ACTION DATED JULY 20, 2009

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Examiner is respectfully requested to enter the following amendment. A response to the Non-Final Office Action ("the Action") dated July 20, 2009 for which the shortened statutory period for reply ended on October 20, 2009 is also submitted, and the Examiner is requested to consider the remarks and enter the election therein.

**Amendments to the Claims** begin on page 2 of this paper.

**The Response/Remarks** begin on page 12 of this paper.

A Petition for an Extension of Time of One Month, with provision for the required fee, to extend the time for response to and including November 20, 2009, is filed electronically herewith to render the present amendment and response timely. Should any additional fees be required for any reason please charge such fees (or credit any overpayments) to Haynes and Boone, LLP's Deposit Account No. 08-1394, Order No. 36689.259.

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